

MAY 25 2005

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Application**

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Application Number	10/672,995
Filing Date	09/25/2003
First Named Inventor	Hsu, Ming-Tay
Art Unit	2875
Examiner Name	Anabel M. Ton
Attorney Docket Number	BP3028-S21-P94

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I am the:

☒ Applicant/Inventor

☐ Assignee of record of the entire interest. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ Attorney or agent of record. Registration Number _____

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature

Hsu, Ming-Tay

Typed or Printed Name

Hsu, Ming-Tay

Date

05/25/2005

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, one below.

☒ Total of **1** forms are submitted.

This collection of information is required by 37 CFR 1.35. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including preparing, processing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant **Hsu, Ming-Tay** Art Unit: **2875**
Series No **10/672,995** Examiner: **Anabel M. Ton**
Filed **09/25/2003**
Title **Touch controlled lighting emitting device**

Mail Stop Non-Fee Amendment

Honorable Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to the Official Action date 04 / 05 / 2005, please reconsider the pending claims 1-8 kept alive, for the applicant was the first and true inventor of the cited document USP 6,158,871.

Cited USP 6,158,871 entitled "illuminated ball-point pen" assigned to Geddes et al was prosecuted in Continuing Prosecution Application on November 2, 1999. Because the American Inventors Protection Act of 1999 and its implementing regulations went into effect November 29, 2000, so the USPTO has eliminated Continued Prosecution Application as to Utility and Plant Patent Applications effective date since July 14, 2004 due to the CPA was largely redundant in view of RCE practice.

The applicant believes the AIPA enacted provision is for the benefit and advantage of the inventors as in the opinion of "patent as a whole" or "design as a whole". Since the applicant has applied in USPTO for more patents, such as USP 6,129,473 entitled "pen or the like with dual

illuminating ends" assigned to the applicant Hsu, Ming-Tay. In the published specification of USP 6,129,473 column 1 lines 10-13 mentioned: The applicant, Ming-Tay Hsu, of the present application has lodged an application entitled "An illuminating Ball-point pen" with the USPTO and a patent has been allowed" (i.e. USP 6,158,871).

And USP 6,155,700 entitled "Touch control emitting apparatus" assigned to the applicant Hsu, Ming-Tay, in the published specification column 4 lines 7-11 mentioned: "Furthermore, the light emitting apparatus can be mounted to a pen such that the top end of the ink core of the pen is connected to the touch button 90. Accordingly, the touch button 90 will cause the light emitting apparatus to be lighted when writing."